

REMARKS

This Response is submitted in reply to the non-final Office Action dated October 16, 2009, issued in connection with the above-identified application. Claims 29-53 are pending in the present application. With this Response, no claims have been amended, and no new matter has been introduced. Favorable reconsideration is respectfully requested.

In the Office Action, claims 29-53 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (U.S. Publication No. 2003/0061380, hereafter “Saito”) in view of Sen et al. (an article entitled “Internet Draft Midcom-unaware NAT/Firewall Traversal, dated April 2002, hereafter “Sen”). The Applicants traverse this rejection for at least the reasons noted below.

In the Office Action, the Examiner relies on Saito in view of Sen for disclosing all the features recited in independent claims 29, 42, 45 and 48. However, the Examiner relies primarily on Saito for disclosing or suggesting all the features of independent claims 29, 42, 45 and 48 except for the claimed “setting a period shorter than the holding period as a sending interval at which the data is sent.” The Examiner alleges that this feature of the present invention is well known in the art, as evidenced by the teachings of Sen.

The Applicants herein remove Saito as prior art by perfecting the Applicants’ foreign priority date of September 6, 2002. Specifically, in the Office Action, Saito cannot be applied as a 102(b)-type reference as part of the rejection under 35 U.S.C. 103(a) noted above.

That is, the publication date of Saito is March 27, 2003, which is not more than one year before the Applicants’ earliest effective U.S. filing date of September 2, 2003 (i.e., international filing date based on PCT/JP03/11182). The U.S. filing date of the present application is the international filing date (see Official Filing Receipt dated December 19, 2005). Thus, Saito can only qualify as a 102 (e) and/or 102(a)-type reference, which can be removed by perfecting the Applicants’ foreign priority (see MPEP §706.02(b)).

The earliest U.S. filing date of Saito is September 27, 2002, which is after the Applicants’ foreign priority date of September 6, 2002, based on JP Application No. 2002-261590. In the Office Action, the Examiner has acknowledged the Applicants’ claim of foreign priority (see Office Action, item 12). Therefore, Saito can be removed as prior art by perfecting

this claim for foreign priority. Perfection of foreign priority includes the filing of the certified priority document along with an English translation and a certification that the English translation is accurate.

Accordingly, the Applicants file herewith an English translation of foreign priority document JP 2002-261590 along with a statement verifying the accuracy of the translation. Thus, the Applicants assert that Saito should be removed as prior art based on the Applicants' foreign priority date of September 6, 2002, and any claim rejections based on Saito withdrawn.

Moreover, the only prior art remaining is Sen. After a detailed review of Sen, the Applicants maintain that the reference fails to disclose or suggest all the features recited in at least independent claims 29, 42, 45 and 48.

Accordingly, the cited prior art would not result in, or otherwise render obvious, independent claims 29, 42, 45 and 48. Likewise, the cited prior art would not result in, or otherwise render obvious, claims 30-41, 43, 44, 46, 47 and 49-53 at least by virtue of their respective dependencies from independent claims 29, 42, 45 and 48.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Kazuhiro AIZU et al.

/Mark D. Pratt/

By: 2009.01.15 15:01:56 -05'00'

Mark D. Pratt

Registration No. 45,794

Attorney for Applicants

MDP/ats
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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